

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ANDREA WOOD and
4 H.P., a minor,

5 Plaintiffs

6 v.

7 CONTRA COSTA COUNTY
8 SCHOOL DISTRICT,

9 Defendant

Case No.: 3:22-cv-00498-ART-CSD

**Report & Recommendation of
United States Magistrate Judge**

Re: ECF Nos. 1, 1-1

10 This Report and Recommendation is made to the Honorable Anne R. Traum, United
11 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28
12 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

13 Plaintiffs have filed an application to proceed in forma pauperis (IFP) (ECF No. 1) and
14 pro se complaint (ECF No. 1-1) in the United States District Court for the District of Nevada.

15 The complaint alleges that Contra Costa County School District put a high school
16 sophomore on a varsity school football team without his mother's signed permission, and the
17 minor, H.P., suffered a head injury and concussion, which the school covered up. Wood resides
18 in Reno, Nevada. (ECF No. 1-1.) A civil action may be brought in:

- 19 (1) a judicial district in which any defendant resides, if all
20 defendants are residents of the State in which the district is located;
21 (2) a judicial district in which a substantial part of the events or
22 omissions giving rise to the claim occurred, or a substantial part of
23 property that is the subject of the action is situated; or (3) if there is
no district in which an action may otherwise be brought as
provided in this section, any judicial district in which any
defendant is subject to the court's personal jurisdiction with
respect to such action.

28 U.S.C. § 1391(b)(1)-(3).

1 Venue is not proper in the District of Nevada. Contra Costa County School District is
2 located within the Northern District of California; and therefore, venue appears to be proper
3 there.

4 “The district court of a district in which is filed a case laying venue in the wrong division
5 or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or
6 division in which it could have been brought.” 28 U.S.C. § 1406(a).

7 This action should be dismissed without prejudice for improper venue. As a result,
8 Plaintiff’s IFP application should be denied without prejudice as moot, and may be renewed in a
9 jurisdiction with proper venue over this action.

10 **RECOMMENDATION**

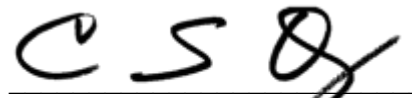
11 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**
12 this action **WITHOUT PREJUDICE** for improper venue and **DENYING WITHOUT**
13 **PREJUDICE** the IFP application (ECF No. 1).

14 The Plaintiffs should be aware of the following:

15 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
16 this Report and Recommendation within fourteen days of being served with a copy of the Report
17 and Recommendation. These objections should be titled “Objections to Magistrate Judge’s
18 Report and Recommendation” and should be accompanied by points and authorities for
19 consideration by the district judge.

1 2. That this Report and Recommendation is not an appealable order and that any notice of
2 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
3 until entry of judgment by the district court.

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5 Dated: February 1, 2023

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8 Craig S. Denney
9 United States Magistrate Judge
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